

**STATEMENT OF ALAN FRONT
SENIOR VICE PRESIDENT, THE TRUST FOR PUBLIC LAND
BEFORE THE HOUSE SUBCOMMITTEE ON
NATIONAL PARKS, FORESTS, AND RECREATION
REGARDING HR 1517,
A BILL TO AMEND THE LAND & WATER CONSERVATION FUND**

MARCH 25, 2004

Mr. Chairman and members of the Committee, my name is Alan Front, and I am pleased to appear before you today on behalf of the Trust for Public Land (TPL), a national nonprofit organization that works with private landowners, local communities, and public agencies to conserve resource lands for public use and enjoyment.

In that work, Mr. Chairman, TPL has seen again and again the “win-win” benefits that land conservation can afford to willing-seller property owners, to local economies, and to the public at large, and the vital role that the Land & Water Conservation Fund (LWCF) can play in realizing those benefits. HR 1517 would preclude the use of LWCF fund for these purposes in order to redirect the fund’s land acquisition dollars to maintenance of existing public lands.

TPL recognizes the importance of maintenance funding, but we also recognize the compelling public interest in LWCF spending for its originally authorized conservation purposes. Consequently, we are greatly concerned by, and are opposed to, the changes to current proposed in HR 1517.

The Land & Water Conservation Fund – A Partnership that Works

Established by Congress in 1965, the Land & Water Conservation Fund was a response to a growing national commitment to conservation and to specific recommendations from an Eisenhower Administration commission. The structure of the fund was elegant and logical: through LWCF, a limited portion of the money flowing into the Treasury from the private lease or sale of certain federal assets would be reinvested in the purchase of high-priority resources (including recreation lands, wildlife habitat, and historic and cultural properties) for the public.

LWCF translated a time-honored accounting principle – using the sale proceeds of one capital asset to buy another – into an ongoing program for park and open space protection. And as federal receipts from Outer Continental Shelf oil and gas development

have grown, the authorization for LWCF funding has edged upward as well to its currently authorized annual level of \$900 million, a figure that still represents only a fraction of total OCS revenues.

Then as now, however, annual LWCF funding remains entirely subject to the will of Congress through the budget and appropriations processes. Each year's Interior and Related Agencies Appropriations Act determines how much of that \$900 million will be provided for grants to states and for acquisition by federal agencies of key inholdings and other authorized purchases. The vast majority of federal acquisition dollars are further directed by Congress to specific national parks, forests, wildlife refuges, and other management areas, typically to address specific willing-seller opportunities.

In TPL's experience, this process has consistently favored those projects where public acquisition is the consensus priority of willing sellers, local communities, and public decision-makers. Landowners who have cared for and stewarded their properties, often for generations, are frequently moved by their own deep convictions to make their lands available to the public, if only the funds for reasonable compensation can be identified. Communities across America are working to conserve the best of their landscapes for sportsmen's access, to protect their natural and cultural heritage, for wildlife mitigation, and for many other reasons.

In fact, recent local open-space bond elections – about 80% of which are approved each year – clearly demonstrate that voters in overwhelming numbers are willing to pay for conservation. And, from a purely economic standpoint, many local officials tell us that federal or state acquisition of key lands in conservation areas can be preferable to private development, based on the cost of public services, on floodwater and fire management risks, and on the potential loss of recreation and tourism dollars.

LWCF – Where the Money Goes

Mr. Chairman, we recognize that these sorts of dynamics may not be in place in every community where public acquisition of resource lands is proposed. They do, though, appear to be typical in federal LWCF appropriations, as well as in state grants for land conservation. I would ask the Committee to consider these representative examples where Congressional and Administration priorities, reflecting local support, have led to LWCF appropriations in recent years.

Chattahoochee River NRA, Georgia

In 1978, the Chattahoochee River NRA was established to provide water-oriented recreation opportunities for the millions of citizens in the Atlanta metropolitan area. As the years passed, though, and the pace of urban development placed increasing subdivision pressures on remaining open spaces – particularly the scenic lands along the river itself, a new local vision for this National Park unit emerged. Encouraged by then-Speaker Newt Gingrich and then-Governor Zell Miller, communities up and down the

river worked with the Park Service to design a linear park along the Chattahoochee from Lake Lanier to the City of Columbus.

Support for this concept was almost universal, from the local official seeking to meet local park and recreation needs to the business community of north Georgia who saw conservation of the river and its banks – which provides 70 percent of metro Atlanta’s drinking water – as essential to a vibrant local economy, from the voters who passed open-space funding initiatives to the Park Service, whose study ultimately led to the passage in 1999 of boundary expansion legislation and to significant line-item LWCF funding.

With the targeted acquisitions LWCF has funded from willing sellers, including a 90-year old sweet potato farmer who was able to see his life’s work conserved, some 150 miles of river frontage are now protected; an EPA enforcement action was resolved, and rainwater-borne sediments and other non-point source pollution are being reduced; and a park system serving over 3.5 million people each year – more than visit the Lincoln Memorial in DC, or Yellowstone – has been assembled. And for every LWCF dollar invested, nearly five dollars in local, state, and philanthropic support has been applied to this partnership effort.

Bonneville Shoreline Trail, Wasatch-Cache NF, Utah

Following the historic shoreline of now-dry Lake Bonneville, the Bonneville Shoreline Trail (BST) has quickly become one of the top recreation sites in the fast-growing Salt Lake City region. The trail runs mainly along a bench in the foothills of the Wasatch Front, right at the interface between national forest land and a host of communities spread across six counties. Thanks largely to the “sweat equity” of Eagle Scouts and other volunteers, trail construction is about halfway completed, with more being built each year. Because the BST crosses scores of canyons that drain the Wasatch Mountains, residents along the trail – about 80 percent of all Utahns – rely on the lands along the BST for recreation access into the canyons and for watershed protection.

A few years ago, citizen groups and local officials mapped out a roughly 100-mile plan for the trail, and placed a high priority on public purchase of key access points and watershed lands from willing sellers. Recognizing the immediacy of development pressures in the area and the importance of the program, the Forest Service has routinely listed the BST as one of its top national priorities. Again, Congress has responded by providing funding for these inholdings on an as-needed, as-available basis.

Most recently, these funds allowed the acquisition of the 200-acre Dry Creek property in the City of Lindon, UT. The owners of this exceptional property had developed other land in the area, but recognized the public importance of this particular parcel and expressed a strong desire to “do the right thing” for the community. Had LWCF funds had not been made available by Congress, however, financial pressures

would have forced extensive subdivision, jeopardizing water quality and public access to adjacent USFS lands.

Rio Grande Wild & Scenic River, NM

Near Taos, the canyonlands of the upper reaches of the Rio Grande comprise one of the most spectacular landscapes in New Mexico. Much of the acreage in and around the well-known Taos Gorge historically has been managed by the Bureau of Land Management's Orilla Verde Recreation Area. In the very heart of this awe-inspiring scenery, though, were some 2,581 acres at "Horseshoe Curve", including a beautiful stretch of river and the area's popular scenic vista point that remained in private hands.

Fortunately, the landowners chose to sell to the public rather than for development that would have forever altered this special area's scenery and habitat (which hosts diverse species including the endangered willow flycatcher). Moreover, they agreed to forego more lucrative and immediate private market opportunities, instead agreeing to a multi-year phased public sale and land exchange, and to convey to the public for about \$5 million less than the property's approved appraised fair market value.

The availability of LWCF funds allowed the public to achieve lasting conservation of an iconic New Mexico landscape and to receive the benefit of the owners' generosity. It also provided the exchange mechanism for two New Mexico pueblos to consolidate thousands of acres of culturally significant land. Nearly a million visitors a year will now continue to enjoy the scenic and recreation opportunities these public lands afford.

Setting Priorities, Making Choices

As much as the subcommittee's consideration of this bill sparks a healthy debate over big-picture priorities, it also requires a hard look at the real-world case-by-case consequences of the diversion of LWCF dollars to maintenance as proposed in HR 1517. In dozens of communities each year and on dozens of projects like those mentioned above – including projects that ensure recreational access or protect Civil War battlefields, or projects that enhance wildlife habitat or preserve our nation's historic sites -- the effect of HR 1517 would be to frustrate local and national priorities, to forego the synergies of these federal/non-federal partnerships, and in many cases to bring hardship to property owners and communities.

It has been suggested that federal land acquisition in particular may in some cases be harmful rather than helpful to some localities, and indeed there are situations in which local concerns along these lines should and do take precedence. TPL's experience is that acquisition proposals in these cases ordinarily collapse before they ever come before Congress for consideration. In any event, particularly given the scrutiny acquisition projects receive from member offices and through the appropriations process, it seems clear that projects with unwilling sellers or strenuous local objections would not be funded. Thus an effective moratorium on federal LWCF acquisition as proposed in HR

1517, rather than weeding out projects with local conflicts, would instead preclude the consensus projects that landowners, communities, members of Congress and the Administration request in the annual funding process.

It also is said by some, in this current fiscal climate, that land acquisition must take a back seat to the backlog of maintenance. Again, though TPL does not share this view, we recognize that funding for either of these needs, as for all other discretionary programs, is already a choice that Congress makes each year.

The central issues of HR 1517, as others suggest, ultimately revolve around setting priorities and making choices. TPL believes that the mechanisms for Congress to make these choices in fact are already in place. Further, we believe that HR 1517 would unduly deny that measure of choice to those private property owners, communities, and members of Congress who wish to have priority, win-win acquisitions considered in the annual funding process.

Mr. Chairman, I am grateful for the Committee's thoughtful deliberations on this issue, and appreciate your consideration of my views. I look forward to working with you on this and other matters.

Thank you.